

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 1 of the specification, line 1 should be amended to make reference to PCT/US03/25188.
2. On page 4, line 6, reference is made to "Fig. 7A". The drawings include a Fig. 7 but not a Fig. 7A.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (WO 95/08748) in view of Barnes (2,571,520) and Darigo et al. (US 3,431,612) and the Supreme Court Decision in KSR International CO. v. Teleflex Inc., 550 U.S.-, 82 USPQ2d 1385 (2007).
5. Brown discloses a frangible projectile made from a one piece element having a continuous all-metal structure, the projectile comprising at least about 99% bismuth (page 4, lines 17-19), the projectile formed by casting from substantially pure bismuth (page 4, lines 7-10).

6. Brown does not specifically discuss swaging the projectile core in a profile die having a bleed hole and then electroplating the projectile core so as to form an electroplated projectile core.

7. Barnes discloses that swaging a projectile core in a profile die having a bleed hole was well known in the art at the time that the invention was made.

8. Darigo et al. disclose that electroplating a projectile core was well known in the art at the time that the invention was made.

9. In view of the Supreme Court Decision in KSR International CO. v. Teleflex Inc., 550 U.S.-, 82 USPQ2d 1385 (2007) and Barnes (2,571,520) and Darigo et al. (US 3,431,612), to combine a step of swaging the projectile in a die having a bleed hole and a step of electroplating the projectile in the manufacture of the Brown projectile, would have been obvious to one of ordinary skill in the art because knowledge of the benefits of swaging projectiles and electroplating projectiles was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the techniques of swaging and electroplating in Barnes and Darigo et al.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO FORM 892.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 571-272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James S. Bergin/
Primary Examiner, Art Unit 3641